

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALCHIMIA, INC.,

Plaintiff,

v.

PETER JACOBSON and MENTOR
CAPITAL ASSOCIATES,

Defendants.

FILED
U.S. DISTRICT COURT
DISTRICT OF MASS.

2004 OCT 29 P 12:23

Civil Action No. 04-11908-DPW

WAIVER OF SERVICE OF SUMMONS

TO: Thomas W. Aylesworth, Esquire
Tristan Cameron Snell, Esquire
Nutter, McClellan & Fish, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2604

I, Peter Jacobson, of Mentor Capital Associates ("MCA"), acknowledge receipt of your request that I waive service of summons in the action of *Alchimia, Inc. v. Peter Jacobson, et al.*, which is case number 04-11908-DPW in the United States District Court for the District of Massachusetts.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that MCA be served with judicial process in the manner provided by Rule 4.

MCA will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against MCA if an answer or motion under Rule 12 is not served upon you within 60 days after September 20, 2004, or within 90 days after that date if the request was sent outside the United States.

10/20/04
Date


Signature

Robert A. Burke, Esquire
Printed/Typed Name

As Counsel for -of-Mentor Capital Associates
Title